

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ANTHONY CYRIAK	*	CIVIL ACTION NO. 13-3130
		SEC. P.
VERSUS	*	JUDGE S. MAURICE HICKS
KEVIN KIDD, ET AL.	*	MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Before the undersigned magistrate judge, on reference from the District Court, are two motions: 1) a motion to compel discovery responses and associated request for expenses, costs, and fees [doc. # 42] filed by defendant Erik Scriber; and 2) a motion to extend the discovery and pretrial statements deadlines [doc. # 44] filed by *pro se* plaintiff Anthony Cyriak.¹ The court resolves the motions, as follows,

I. Motion to Compel

On April 13, 2015, defendant served plaintiff with certain Interrogatories and Request for Production of Documents. (M/Compel, Exh. A). On May 12, 2015, defense counsel wrote a letter to plaintiff informing him that she had not received responses to her discovery requests, and therefore, if plaintiff did not provide responses within the next ten days, she would be forced to file a motion to compel. *See* May 12, 2015, Letter from Jennifer Woodland to Anthony Cyriak; M/Compel, Exh. D.

¹ As these motions are not excepted within 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this order is issued under the authority thereof, and in accordance with the standing order of this court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

When, by June 10, 2015, plaintiff still had not provided discovery responses, defendant filed the instant motion to compel. Plaintiff did not file an opposition to the motion, and the time to do so has lapsed. *See* Notice of Motion Setting [doc. # 43]. Accordingly, the motion is deemed unopposed. *Id.* Under the circumstances,

IT IS ORDERED that defendant's motion to compel discovery responses [doc. # 42] is hereby GRANTED. Within fourteen (14) days from the date of this order, plaintiff shall respond fully and completely² to defendant's outstanding Interrogatories and Request for Production of Documents.³

As no prior order compelling responses has been entered against plaintiff,

IT IS FURTHER ORDERED that defendant's request for expenses, costs, and fees is DENIED. **Plaintiff is cautioned, however, that his un-excused failure to abide this order may result in sanctions, including, but not necessarily limited to, dismissal of the case. *See* Fed.R.Civ.P. 37(b)(2) and 41(b).**

II. Motion to Extend Deadlines

By this motion, plaintiff seeks a 60 day extension of the discovery deadline, apparently because he intends to seek additional discovery from defendant. As a result, he also requests an extension of the parties' respective pretrial statements deadline. Upon consideration,

IT IS ORDERED that plaintiff's motion [doc. # 44] is hereby GRANTED. The discovery

² By failing to timely respond to the discovery, and in the absence of good cause shown, plaintiff has waived his right to object to the discovery requests. *See In Re U.S.*, 864 F.2d 1153, 1156 (5th Cir. 1989).

³ If plaintiff needs additional time to respond to the discovery, he should file a motion to that effect prior to expiration of the 14 day deadline.

completion deadline is extended until **September 10, 2015**. Once discovery is completed, the court will re-set the deadline to file pretrial statements.

In Chambers, at Monroe, Louisiana, this 9th day of July 2015.



KAREN L. HAYES
UNITED STATES MAGISTRATE JUDGE